

REMARKS

Claims 1 to 25 are pending in the present application. Claims 9-21 are withdrawn from consideration. Claim 8 has been allowed. Claims 1 and 22-25 are rejected under 35 U.S.C. § 112 second paragraph. Claims 1-7, and 22 are rejected under 35 U.S.C. § 102(b). Applicants have amended claims 1-3 and 22 and added new claims 26-30. No new matter has been inserted through this amendment. The rejections are respectfully traversed below.

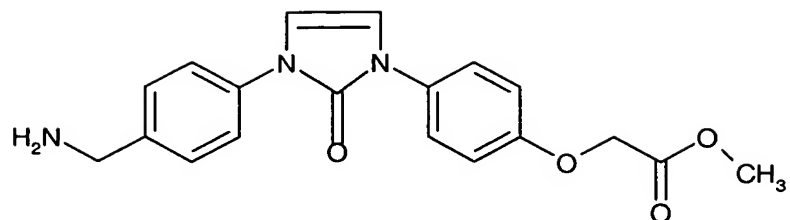
Rejection of Claims 1 and 22-25 under 35 U.S.C. § 112 second paragraph

The Examiner rejected claims 1 and 22-25 as being indefinite under 35 U.S.C. § 112 second paragraph for failing to particularly point out and distinctly claim the subject matter that the applicant regards as the invention. The Examiner states that use of the "open-ended phrase"--- comprising--- in the definition of "B" renders the claim indefinite, because "comprising" permits the inclusion of unrecited elements. Applicants have amended claims 1 and 22 by deleting "comprising" and adding the preposition "of". By way of said amendment Applicants respectfully maintain that claims 1 and 22 and hence claims 23-25 now fully satisfy the requirements of 35 U.S.C. § 112 second paragraph. The withdrawal of this rejection under 35 U.S.C. § 112 second paragraph is requested.

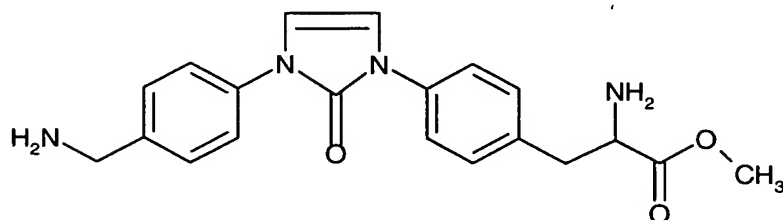
Rejection of Claims 1-7 and 22 under 35 U.S.C. § 102 (b)

Claims 1-7 and 22, are rejected under 35 U.S.C. § 102(b) as being anticipated and thus unpatentable over Himmelsbach et al., U.S. Patent 5,276,049 ('049), because Himmelsbach et al. is replete with anticipatory compounds, far too many to list. Applicants have amended claims 1-3 and 22 to remove any anticipatory matter vis-à-vis the disclosures of Himmelsbach et al.

Regarding the specific examples cited by the Examiner as anticipating the instant invention, Applicants' can find no subgenera that read on said examples. The Examiner cites Example 8 of '049, which is 1-(4-aminomethylphenyl)-3-(4-methoxycarbonylmethoxyphenyl)imidazolidin-2-one hydrochloride and compound number 3, which is 1-[4-(2-amino-2-methoxycarbonyl)ethyl]phenyl]-3-(4-aminomethylphenyl)imidazolidin-2-one. Depicted below are the structures corresponding to the names:



Example 8



Compound 3

The substituent on the phenyl group on the left hand portion of the structures, i.e. the aminomethyl group is disclosed in the instant invention, described by the variables R-B or A-NR⁹R¹⁰. However, the substituents found at the 4-position of the other phenyl ring appear not to be disclosed in the instant invention. Thus, an analysis of the variables that could potentially describe the substituents at the 4-position of the phenyl ring that is, R-B, R², or R⁸ does not turn up an adequate descriptor. In order for Applicants' invention to read on the structures shown above it would be necessary to have one of the variables describe an "alkoxycarbonylalkyl-O-" substituent for Example 8 while for compound 3 an "alkoxycarbonylalkyl" substituted by amino on the alkyl portion would need to be disclosed. Applicants can find no such disclosure.

Notwithstanding, Himmelsbach et al. discloses cyclic urea derivatives containing a carboxyl group, a sulfo, a phosphono, O-alkyl-phosphono or tetrazole-5-yl group (see column 4, lines 49 to 57 for definition of F). By way of the amendments to claims 1-3 and 22 and hence claims 4-7 the present invention should no longer be anticipated Himmelsbach et al. Accordingly, in claim 1 the following amendments are noted: In the definition of R "or more heteroatoms" has been replaced by "heteroatom". Further, "or COO-(C₁-C₆)-alkyl" has been deleted. In the definition of R¹, R², R³ and R⁴ "COOH, COO-(C₁-C₆)-alkyl" has been deleted. In the definition of R⁵, R⁶, R⁷ and R⁸ "COOH, COO-(C₁-C₆)-alkyl," has been deleted. Further, "to 4 heteroatoms" has been replaced by "heteroatom". In the definition of R⁹ and R¹⁰ "COO(R⁴⁹)," has been deleted.

In claim 2 the following amendments were made: In the definition of R "or more heteroatoms" has been replaced by "heteroatom". Further, "or COO-(C₁-C₆)-alkyl" has been deleted. In the definition of R¹, R², R³, and R⁴ "COOH, COO-(C₁-C₆)-alkyl" has been deleted. In the

definition of R5, R6, R7 and R8 "COO-(C1-C6)-alkyl" has been deleted. In the definition of R9 and R10 "COO(R49)" has been deleted.

In claim 3 the definition of R "or two heteroatoms" has been replaced by "heteroatom".

In claim 22 the following amendments are noted: In the definition of R "or more heteroatoms" has been replaced by "heteroatom". Further, "or COO-(C1-C6)-alkyl" has been deleted. In the definition of R1, R2, R3 and R4 "COOH, COO-(C1-C6)-alkyl" has been deleted. In the definition of R5, R6, R7 and R8 "COOH, COO-(C1-C6)-alkyl," has been deleted. Further, "to 4 heteroatoms" has been replaced by "heteroatom". In the definition of R9 and R10 "COO(R49)," has been deleted.

In view of the above discussed amendments the withdrawal of the rejection of claims 1-7 and 22 under 35 U.S.C. § 102(b) is requested.

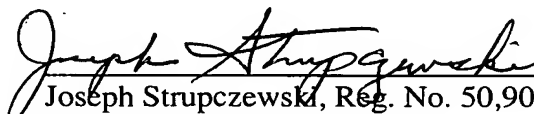
New independent claim 26 was added disclosing a narrower scope of the invention vis-à-vis original independent claim 1. New claims 27-30 are dependent from claim 26.

Conclusion

Applicants respectfully submit that claims 1 to 8 and 22-30 are in condition for allowance. Action to that end is requested. In the event the Examiner wishes to contact the undersigned regarding any matter, please call (collect if necessary) the telephone number listed below.

Applicant believes that there are no fees due for this Rule 111 Amendment. However, if the Commissioner deems that fees are due, please charge these fees to Deposit Account No. **18-1982** for Aventis Pharmaceuticals Inc., Bridgewater, NJ. Please credit any overpayment to Deposit Account No. **18-1982**.

Respectfully submitted,


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